

HOUSE No. 4330

The Commonwealth of Massachusetts

By Mr. Naughton of Clinton moves that the House concur with the Senate in its amendment with further amendments by striking out all after the enacting clause inserted by amendment by the Senate and inserting in place thereof the text contained in House document numbered 4330. November 10, 2009

NAME:	DISTRICT/ADDRESS:
Harold P. Naughton, Jr.	12th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

Mr. Naughton of Clinton that the House concur with the Senate in its amendment with further amendments by striking out all after the enacting clause and inserting in place thereof the following:

“**SECTION 1.** Chapter 33 of the General Laws is hereby amended by inserting after section 67 the following section:-

Section 67A. There shall be a medal of liberty which shall be awarded to the next of kin of service men and women from the commonwealth killed in action or who died as a result of wounds received in action. The adjutant general and 2 field grade officers of the armed forces of the commonwealth detailed by the commander-in-chief shall constitute a commission to make recommendations to the commander-in-chief for the awarding of the medal of liberty.

SECTION 2. The last sentence of section 4 of chapter 51 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following words:- , the secretary of veterans services and local veterans’ service officers.

SECTION 3. Section 95 of chapter 54 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:- Federal write-in absentee ballots shall be received and counted as provided in section 103 of the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. section 1973ff-2, for any preliminary, primary or general election for federal, state, city, town, county or district office or any ballot question. Federal write-in absentee ballots

received for all final elections shall be counted only at the public meeting of the registrars held under the preceding paragraph, and only if no valid state ballot has been received from the same voter, but shall be counted even if the voter has not applied for a state absent voter ballot or if the voter's application was received after the thirtieth day before the election.

SECTION 4. Said section 95 of said chapter 54, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

Federal write-in absentee ballots from absent uniformed services voters and overseas voters as defined in section 107 of said Uniformed and Overseas Citizens Absentee Voting Act that are transmitted by email or facsimile as permitted by this section, shall be counted for federal, state, city, town, county or district offices at any preliminary, primary or general election or any ballot question so long as they are received by the city or town clerk before the hour fixed for closing the polls as provided in section 93, but only if no valid state ballot has been received from the same voter; provided, however, that section 99 shall apply to federal write-in absentee ballots sent by mail; and provided further, that a federal write-in absentee ballot shall be counted even if the voter has not applied for a state absent voter ballot or if the voter's application was received after the thirtieth day before the election. Federal write-in absentee ballots received for preliminary, primary, county, district, city and town elections shall be processed in the office of the registrars after the hour of the closing of the polls and the registrars shall amend each precinct tally sheet to include the counted federal write-in absentee ballots.

Absent uniformed services voters and overseas voters may mail, email or send by facsimile, a completed federal write-in absentee ballot directly to local election officials or use transmission

40 services provided and administered through the Federal Voting Assistance Program, or any
41 successor program. Email or facsimile transmissions of a federal write-in absentee ballot shall
42 include a completed form approved by the Federal Voting Assistance Program, or any successor
43 program, declaring that the voter voluntarily waives the right to a secret ballot. Failure to
44 include such form shall not invalidate the ballot.

45 The secretary of state shall promulgate rules and regulations necessary for the implementation of this
46 section to establish procedures for electronic transmission, including email and facsimile transmissions, of
47 election materials.

48 **SECTION 5.** Section 26 of chapter 149 of the General Laws, as so appearing, is hereby
49 amended by striking out, in lines 7 to 9, inclusive, the words “male veterans as defined in clause
50 Forty-third of section seven of chapter four, and who are qualified to perform the work to which
51 the employment relates” and inserting in place thereof the following words:- veterans as defined
52 in clause Forty-third of section 7 of chapter 4 and who are qualified to perform the work to
53 which the employment relates and, within such preference, preference shall be given to service-
54 disabled veterans.

55 **SECTION 6.** Said section 26 of said chapter 149, as so appearing, is hereby further
56 amended by inserting after the word “district”, in line 17, the following words:- and, within such
57 preference, preference shall be given to service-disabled veterans.

58 **SECTION 7.** The executive office of health and human services, in consultation with the
59 department of veterans’ services and the Massachusetts commission against discrimination, shall
60 conduct a disparities study examining the history of service-disabled veterans in the
61 commonwealth. The study shall examine factors including, but not limited to, the employment

opportunities for service-disabled veterans, and any other forms of discrimination in the awarding of state contracts. The report shall provide recommendations for remedying any discovered discrimination. The executive office shall file the report not later than November 11, 2010 with the clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means and the joint committee on veterans and federal affairs.

SECTION 8. The executive office of health and human services, in consultation with the executive office for administration and finance and the department of veterans' services, shall study the current capacity to provide appropriate health care services for Massachusetts veterans and assess the necessity and feasibility of expanding capacity at current soldiers' homes or for establishing additional soldiers' homes in the commonwealth. The study shall examine factors including, but not limited to, the current and projected populations of veterans, the geographical distribution of the populations and the needs of the populations. The study shall assess potential funding mechanisms for expanded capacity at current soldiers' homes or for the construction and operation of additional soldiers' homes, including the availability of federal, state or private funds. The executive office of health and human services shall file the report not later than November 11, 2010 with the clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means and the joint committee on veterans and federal affairs.

SECTION 9. Notwithstanding any general or special law to the contrary, the department of veteran's services, in consultation with the secretary of administration and finance, shall issue a request for proposals for one or more private entities to construct, purchase and operate public homes for veterans. Such homes shall be considered "state veterans' homes". The construction, purchase and operation of state veterans' homes shall be funded from available federal and

private funds. The primary purpose of such state veterans' homes is to provide support and care for veterans who served in the Armed Forces of the United States for no less than 180 days.

The secretary of veterans' services shall promulgate rules and regulations necessary for the implementation of this section to the degree necessary to achieve maximum federal financial participation within 90 days after the effective date of this act. The request for proposals shall be issued within 60 days of such rules and regulations being adopted. The department of veterans' services may determine that no proposals are responsive or may determine that no responsive proposals provide adequate value to the commonwealth. If the department of veterans' services determines that no proposals are responsive or no responsive proposals provide adequate value to the commonwealth, the department shall notify the legislature of the reasons for such findings in writing within 60 days of such decision. All actions relative to requests for proposals under this section shall comply with sections 52 to 55, inclusive, of chapter 7 of the General Laws.

SECTION 10. Notwithstanding any general or special law to the contrary, veterans who reside in the commonwealth and are honorably discharged from the armed services may be exempted from apprenticeship, school and other requirements to acquire a permit or license to perform work in an area requiring a license that relates to specific military experience. Individual state licensing boards shall promulgate rules and regulations to award veterans' exemptions from requirements or credits towards licensure for all related military experience and schooling in the area in which the veteran seeks to be licensed. The rules and regulations shall include, but not be limited to, accepting all or a portion of a veteran's military training and work experience in lieu of apprenticeship requirements.

SECTION 11. Notwithstanding any general or special law to the contrary, a resident of the commonwealth who is sent overseas as a member of the United States Armed Forces and is eligible to receive benefits pursuant to section 16 of chapter 130 of the acts of 2005 may receive such benefits each time he is deployed; provided, however, that an eligible resident shall receive the full bonus allowed by said section 16 of said chapter 130 upon return after his first deployment and 50 per cent of the bonus after each subsequent deployment, provided that appropriated funding is available and the state treasurer certifies that the relevant account has sufficient funds to maintain such an initiative. The state treasurer shall annually provide a status report on the account to the secretary of veterans' services, the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on veterans and federal affairs.

SECTION 12. (a) Notwithstanding any general or special law to the contrary, there shall be a veterans' hall of fame council to study the feasibility of establishing a veterans' hall of fame in the commonwealth. The commission shall consist of 11 members, who shall be the president of the senate and the speaker of the house of representatives or their designees who shall serve as co-chairs, the minority leaders of the senate and house of representatives or their designees, the senate and house chairs of the joint committee on veterans and federal affairs or their designees, the adjutant general of the national guard or his designee, the secretary of veterans' services or his designee, the state superintendent of state office buildings or his designee and 2 persons to be appointed by the governor who shall be honorably-discharged veterans. Members shall serve without compensation.

(b) The council shall review and analyze the feasibility of, and costs associated with, establishing a veterans' hall of fame in the commonwealth and shall study reasonable methods and criteria

that may be utilized for nominating and inducting veterans who are residents of the commonwealth into the veterans' hall of fame.

(c) The commission shall submit its finding and recommendations for establishing a veterans' hall of fame in the commonwealth by filing the same not later than November 11, 2010 with the clerks of the house of representatives and senate, the house and senate committees on ways and means and the joint committee on veterans and federal affairs.

SECTION 13. Notwithstanding any general or special law to the contrary, there shall be a special commission to study the feasibility and costs of establishing a functional magnetic resonance imaging and neuropsychological cognitive testing program for all military forces of the commonwealth prior to and upon return from deployment.

The commission shall consist of 12 members, who shall be the secretary of veterans' services or his designee, who shall serve as chair of the commission, the president of the senate and the speaker of the house or their designees, the minority leaders of the senate and house of representatives or their designees, the senate and house chairs of the joint committee on veterans and federal affairs or their designees, the adjutant general of the national guard or his designee, the secretary of health and human services or his designee, the secretary of administration and finance or his designee, and 2 persons to be appointed by the governor, both of whom shall be honorably-discharged veterans who are residents of the commonwealth. The members shall serve without compensation.

The commission shall report to the general court not later than November 11, 2010 the result of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the house of representatives and senate who shall forward the same to the house and senate committees on ways and means and the joint committee on veterans and federal affairs.

152 **SECTION 14.** Notwithstanding any general or special law, rule or regulation to the
153 contrary, active service members of the armed forces who otherwise meet the eligibility
154 requirements of 108 C.M.R. 11.01 to receive a bonus for participation in operations Desert
155 Shield or Desert Storm, shall be permitted to receive said bonus; provided, however, that
156 sufficient funds are available in the relevant account.

157 **SECTION 15.** The state secretary shall immediately notify the program director for the
158 Federal Voting Assistance Program or any successor program or his designee of all changes
159 affecting absentee voting procedures of absent uniformed services voters and overseas voters
160 provided for in sections 3 and 4.” and by striking out the title and inserting in place thereof the
161 following title: “An Act providing benefits to veterans and service members.”.